

## **REMARKS**

Claims 1-33 are pending in the application. Claims 1, 20, 21, 22 and 24 are amended. Claims 28-33 are added. No new matter has been added. Support for the amendments may be found at least at col. 4, lines 15-19 (Patent No. 6,751,670 which is incorporated by reference) where it states that the instructions may be configured to deny or grant access to the electronic content based on the results of an attempted transmission. Reconsideration in view of the amendments and the following remarks is respectfully requested.

### **Examiner Interview**

A telephonic interview was held between the Applicant's representative and the Examiner on March 28, 2005. The invention of claim 1 was discussed in view of the references. The Examiner agreed that Venkatraman does not teach the limitations of granting access upon transmission of the notification. However, the Examiner added commentary in the Interview Summary not discussed in the interview of which Applicant respectfully disagrees but has been rendered moot.

### **Judicially Created Doctrine of Obviousness-type Double Patenting**

Claims 1-27 were rejected under the judicially created doctrine of obviousness-type double patenting. Attached hereto is a terminal disclaimer, which disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,751,670.

### **35 U.S.C. §103(a) Rejection**

Claims 1-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,067,526 to Powell ("Powell") in view of U.S. Patent No. 6,484,156 to Gupta *et al.* ("Gupta") further in view of U.S. Patent No. 6,304,897 to Venkatraman *et al.* ("Venkantraman"). Applicant respectfully traverses this rejection.

In order to reject a claim under 35 U.S.C. §103(a), MPEP 2143 mandates that three basic criteria must be met.

*First, there must be some suggestion or motivation, either in the reference themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations.*

Applicant submits that the references singly or in combination do not teach all the claimed limitations. Specifically, in view of the Examiner interview, it was agreed that Venkantraman does not teach granting access upon transmission of the notification. However, Applicant has amended claims 1, 20, 21, 22 and 24 to more clearly distinguish these claimed inventions which now recite (with variations), in part, that the executable instructions selectively grants or denies access to the electronic content based on results of an attempt to transmit. Further, these claims 1, 20, 21, 22 and 24 are also amended to clarify certain aspects such as, for example, “attempting” to transmit notification information. Applicant submits that Powell, Gupta and Venkantraman, either singly or in combination, do not disclose or suggest at least these features and that the 103(a) rejection should now be withdrawn and that independent claims 1, 20, 21, 22 and 24 are now allowable. Moreover, the claims depending respectively from each of the independent claims 1, 20, 21, 22 and 24 are also allowable for at least due to their dependency.

**Support for Newly Added Claims**

Support for claim 28 may be found at least at Figure 7B and 7C and supporting text such as page 9, lines 16-26.

Support for claim 29 may be found at least at col. 4, lines 10-19 (Patent No. 6,751,670).

Support for claim 30 may be found at least at page 6, lines 7-12.

Support for claim 31 may be found at least at page 9, lines 16-26 in view of page 10, lines 23-29.

Support for claim 32 may be found at least at page 9, lines 9-15.

Support for claim 33 may be found at least at col. 7, lines 54-65 (Patent No. 6,751,670).

**Conclusion**

In view of the foregoing remarks, Applicant submits that all of the rejections and objections have been rendered moot. Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance and that the application should now be passed to issuance. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written petition for extension of time if needed. Please charge any deficiencies and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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